REMARKS/ARGUMENTS

Applicant appreciates the Examiner's thorough search and examination of the present patent application.

As noted in the Applicant's previous Response filed on June 30, 2004, Applicant assumes that the drawings submitted are acceptable for examination purposes. As such time as the Applicant is notified that there is patentable subject matter in the present application, formal drawings will be supplied.

Claim 1 has been amended to place the claim in better form. Applicant believes that the changes to claim 1 make explicit that which Applicant believed was already implicit and, accordingly, are not made for purposes of patentability.

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over storefront.pro.com web pages ("Storefront Pro") captured via http://web.archive.org (the "WayBackMachine"), in view of Conklin et al. ("Conklin," U.S. Patent 6,332,135). Applicant respectfully traverses this rejection.

Applicant's claim 1 defines a "website constructor" that includes a plurality of subsystems, including a "selection criteria subsystem," a "website organization subsystem," a "graphic design subsystem," a "merchandise selection subsystem," a "merchandise information downloading subsystem" and a "website builder." The "website organization subsystem" and "graphic design subsystem" respectively define a "look and feel" and create "at least one website layout and features setup" for a website constructed by the website constructor. Moreover, the "selection criteria subsystem" establishes "criteria for merchandise selection" and the "merchandise selection subsystem" selects "merchandise offered for sale on the website constructed by the website constructor" that "matches the selection criteria" and is "based on merchandise made available by a plurality of vendors[.]" The "merchandise information downloading subsystem" downloads "merchandise information" from "a plurality of vendors of merchandise[.]" The merchandise information defines "merchandise offered for sale on the website constructed by the website constructor that has been selected by the merchandise selector subsystem[.]"

Thus, a plurality of vendors provide merchandise offered for sale on a website constructed by the website constructor, based on selection criteria established by the selection criteria subsystem. Information regarding the merchandise provided by a plurality of vendors is downloaded by the merchandise information downloading subsystem.

Applicant respectfully submits that, for the reasons set forth below, the combination of elements defined in Applicant's claim 1 is not taught or suggested by Storefront Pro, Conklin, or both references combined.

At least to the extent reported by the WayBackMachine, Storefront Pro discloses an "e-commerce software product and service" that enables small to medium sized business merchants to sell goods/services over the Internet. Storefront Pro offers "catalog creation and management tools" for selling merchandise over the Internet. More particularly, the "Product Management" feature allows items to be added, modified, deleted, and/or listed (see Storefront Pro - Administration Home web page). In addition to providing a browser-based interface for designing and administering an e-commerce Web "store," Storefront Pro enables back office business management and third-party processor/bank integration for "real-time electronic transactions." Storefront Pro further provides secure website hosting via BizDesign or related providers.

As noted by the Examiner, however, Storefront Pro does not disclose or teach Applicant's claim 1 selection criteria subsystem, merchandise selection subsystem, or merchandise information downloading subsystem. Accordingly, the Examiner cites to Conklin for teaching the elements of Applicant's claim 1 that are missing from Storefront Pro. After careful review of Conklin, Applicant respectfully submits that Conklin does not teach or suggest those features in Applicant's claim 1 that are missing from the teachings of Storefront Pro.

Conklin regards an engine operable by a plurality of participants in an electronic community for product evaluation and negotiation. A sponsor creates and administers the electronic community in which buyers and sellers can conduct business. Buyers can evaluate seller information, propose and negotiate orders and counteroffers and track activity (see column 14, lines 5-9). Sellers use remote authoring templates provided by Conklin to create websites that are integrated in the community. Sellers can evaluate proposed buyer orders and

counteroffers, and negotiate various points, such as price, terms, conditions or the like (see column 14, lines 9-14). Conklin further teaches storing transaction histories in databases to document "each stage of interaction and negotiation" (column 14, lines 16-20).

Applicant respectfully submits that integrating a seller's inventory within a community of buyers and sellers, and monitoring iterative purchasing negotiations between buyers and sellers is patentably distinct from the invention defined in Applicant's claim 1, including Applicant's selection criteria subsystem, merchandise selection subsystem, and merchandise information downloading subsystem.

With respect to the first passage in Conklin cited by the Examiner (column 19, lines 6-19), Applicant submits that Conklin is similar to Storefront Pro in that remote authoring templates are provided for seller-related web site creation. Unlike Storefront Pro, however, Conklin teaches integrating seller information, including marketing and product information, in the community so that buyers can search within the community for particular goods and services. Applicant submits that this additional feature is patentably distinct from Applicant's claim 1 website constructor that includes a selection criteria subsystem, merchandise selection subsystem, and merchandise information downloading subsystem.
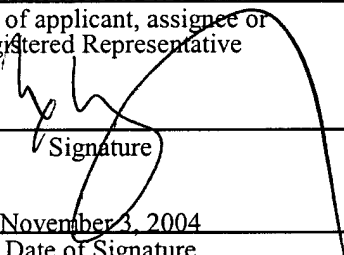
With respect to the second passage in Conklin cited by the Examiner (column 20, lines 1-14), Applicant submits that this passage adds a feature of enabling a seller to upload product catalogs, and to customize the website from time to time, similar to the Administration Home web page provided by Storefront Pro. Applicant maintains, however, that Conklin does not teach Applicant's claim 1 website constructor for constructing a website and that includes a selection criteria subsystem, a merchandise selection subsystem, and a merchandise information downloading subsystem regarding merchandise offered from a plurality of vendors of merchandise and for sale on the website. More particularly, Conklin does not teach or suggest a website constructor that includes a subsystem that selects merchandise offered for sale by a plurality of vendors on a website based on particular "criteria." Instead, Conklin teaches that sellers can provide any products/services, irrespective of criteria, in an electronic community of individual seller websites (each of which may be authored using Conklin's system).

Even assuming that one would combine the teachings of Storefront Pro and Conklin, Applicant's claim 1 still would not be taught. Instead, the result would be a web site creation tool, having an e-commerce component, for creating a plurality of web sites that are integrated in an electronic community in which product samples and negotiations between buyers and sellers are monitored and stored.

Accordingly, it is respectfully submitted that claim 1 and all its dependent claims clearly define over the prior art. Therefore, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 3, 2004:

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Name of applicant, assignee or
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Signature

_____November 3, 2004_____
Date of Signature

MM:JJF:ck

Respectfully submitted,

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